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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,806	01/31/2005	Hideaki Irisawa	SEK-0007	8326

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

NEILS, PEGGY A

ART UNIT	PAPER NUMBER
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2885

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/522,806	IRISAWA, HIDEAKI	
	Examiner	Art Unit	
	Peggy A. Neils	2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8 and 12 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response to Arguments

Applicant's arguments filed January 22, 2007 have been fully considered but they are not persuasive. Applicant's comments will be addressed in the rejections below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Solomon for the reasons set forth in the last Office action.

Applicant discusses each of the references applied in the rejection but does not actually explain how the claim language defines over the prior art. Applicant does note that the walking stick of Ellis transmits information to a third party receiver and that the receiver on the stick receives information from a third party transmitter. Claims 1 and 2 state that the light emitting lamp portion receives a control signal from the infrared remote sending apparatus so as to control the plurality of LEDs. However, Ellis states in column 5, beginning at line 13, that the walking stick may communicate with a mechanism within its own group instead of outside its group, i.e. a vehicle. This implies the walking stick can communicate with another component on the walking stick.

Additionally, in column 19, beginning at line 55, Ellis states that the components in the middle section including the receiver 326 may be electrically connected to components in the first section including the transmitter 320. Alternatively, whether Ellis uses a third

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party receiver and a third party transmitter, Applicant's claim language does not define over the manner of communication taught by Ellis. The warning light of Ellis would receive a signal indirectly from the remote control sending apparatus via the third party transmitter. The receiver on Ellis does ultimately receive a signal from the transmitter on the walking stick. Applicant's claim language in Claims 1 and 2 does not exclude this form of electronic communication to operate the signal light. Regarding new Claims 8 and 12, Ellis does not go into detail about the appearance of the receiver on the walking stick or mention a main switch. However, Solomon does state that an optical infrared data link may be used for communication purposes and controlled by a switch (see column 3, beginning at line 44). Since both Ellis and Solomon are directed to similarly controlling lighting sticks it would be obvious to one skilled in the art that Ellis could be modified to include a switch in the same manner as taught by Solomon.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis and Solomon as applied to Claim 2 above, and further in view of Riblett for the reasons set forth in the last Office action.

Applicant has not provided any specific arguments to this rejection but instead relies on the comments made in the rejections of Claims 1-3.

Allowable Subject Matter

Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 9-11 are considered to set forth allowable subject matter because Claim 9 sets forth that the portable signal light further includes a change switch device operative to provide either continuous lighting or flashing of the lights via the remote control sending apparatus and receiving apparatus. This combination of limitations was not shown or suggested by the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications should be

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directed to Examiner Neils at (571) 272-2377 on a Monday or Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong (James) Lee can be reached on (571) 272-7044.


STEPHEN F. HUSAR
PRIMARY PATENT EXAMINER